

REMARKS

STATUS OF THE CLAIMS

Claims 1-26 are currently pending. Claims 27-31 have been submitted for consideration. Support for these claims can be found in the specification as originally filed. Without conceding the propriety of the rejections, claims 1, 2 and 24-26 have been cancelled without prejudice or disclaimer. Applicant reserves the right to pursue the subject matter of these claims in this or another application.

The Examiner is thanked for the indication that claims 3 and 4 would be allowable if rewritten in independent form to include all the features of the base claim and any intervening claims. In accordance with the Examiner's suggestion, claims 3 and 4 have been rewritten in independent form to include all the features of the base claim and any intervening claims. Applicant respectfully submits that claims 3 and 4, and any claims depending directly or indirectly therefrom, are now in condition for allowance. Claims 13 and 14 have also been amended to correct minor grammatical informalities as identified by the Examiner.

Claims 5-13 and 21 have been amended to depend from independent claim 3 and are believed to be in condition for allowance for at least this reason.

Accordingly, no new matter has been added by these amendments and no estoppels are intended thereby. Reconsideration and withdrawal of the outstanding rejections is respectfully requested in view of the following remarks.

OFFICE ACTION

REJECTIONS UNDER 35 U.S.C. § 102(b)

(1) Claims 24 and 25 stand rejected under 35 U.S.C. 102(b) for allegedly being anticipated by Stark (U.S. Patent No. 5,816,315). Applicant respectfully traverses this rejection.

Applicant notes that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. (quoting *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)).

Without conceding the propriety of the rejection, claims 24 and 25 have been cancelled rendering this rejection moot with respect to these claims. Accordingly, withdrawal of this 35 U.S.C. § 102(b) rejection is respectfully requested.

(2) Claim 26 stands rejected under 35 U.S.C. 102(b) for allegedly being anticipated by Stark (U.S. Patent No. 5,816,315). Applicant respectfully traverses this rejection.

Without conceding the propriety of the rejection, claim 26 has been cancelled rendering this rejection moot with respect to these claims. Accordingly, Applicant respectfully requests withdrawal of this 35 U.S.C. § 102(b) rejection.

REJECTIONS UNDER 35 U.S.C. § 103(a)

(1) Claims 1, 5, 6, 8-13 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Vouche (U.S. Patent No. 6,247,682) in view Stark (U.S. Patent No. 5,816,315). Applicant respectfully traverses this rejection.

To establish a *prima facie* case of obviousness, the prior art references must teach or suggest all of the claim elements. M.P.E.P. § 2143. There must also be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references. *Id.* Applicant respectfully submits that these criteria for obviousness have not been satisfied.

As previously discussed in connection with the 102(b) rejection of the Office Action, claim 1 has been cancelled rendering this rejection moot with respect to this claim. Claims 5, 6 and 8-13 and 26 depend from independent claim 3, which was indicated allowable by the Examiner if rewritten in independent form. Accordingly, claim 3 was rewritten in independent form and claims 8-13 and 26 depend therefrom, and therefore, Applicant submits that claims 8-13 and 26 are allowable for at least this reason. In light of the aforementioned comments, Applicant requests withdrawal of the 35 U.S.C. § 103(a) rejection.

(2) Claims 1, 2, 13 and 21-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Vouche (U.S. Patent No. 6,247,682) in view Stark (U.S. Patent No. 5,816,315). Applicant respectfully traverses this rejection.

Without conceding the propriety of the rejection, claims 1 and 2 have been cancelled rendering this rejection moot with respect to this claim. Claims 13 and 21-23 depend from independent claim 3, which was indicated allowable by the Examiner if rewritten in independent form. According, Applicant respectfully submits that claims 13, 21-23 are allowable for at least this reason and withdrawal of this rejection is respectfully requested.

(3) Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Vouche (U.S. Patent No. 6,247,682) in view Stark (U.S. Patent No. 5,816,315) further view of Lefevre (U.S. Patent No. 4,562,015). Applicant respectfully traverses this rejection.

Claim has been amended to depend from independent claim 3 and is believed to be allowable for at least this reason. According, withdrawal of this rejection is respectfully requested.

(4) Claim 14 and 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Vouche (U.S. Patent No. 6,247,682) and Stark (U.S. Patent No. 5,816,315) or Turbin (U.S. Patent No. (3,792,572), Lefevre (U.S. Patent No. 4,562,015) and further in view of Norback (U.S. Patent No. 4,099,928). Applicant respectfully traverses this rejection.

Claims 14 and 15 depend from claim 3 which was indicated allowable by the Examiner and, thus, claims 14 and 15 are believed allowable for at least this reason. Accordingly, Applicant respectfully requests withdrawal of this rejection.

(5) Claims 19 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Vouche (U.S. Patent No. 6,247,682) and Stark (U.S. Patent No. 5,816,315) or Turbin (U.S. Patent No. (3,792,572), Lefevre (U.S. Patent No. 4,562,015) and in further view of Cates (U.S. Patent No. 4,119,140). Applicant respectfully traverses this rejection

Claims 19 and 20 depend from claim 3 which was indicated allowable by the Examiner. Claims 19 and 20 are, therefore, believed allowable for at least this reason. Accordingly, Applicant respectfully requests withdrawal of this rejection.

CONCLUSION

New claims 27-31 have been submitted for consideration. Applicant respectfully submits that these claims are, at least, allowable due to their dependence from independent claim 4, which was indicated allowable by the Examiner.

No extension-of-time fee is believed due. However, any extension of time necessary to prevent abandonment is hereby requested, and any fee necessary for consideration of this response is hereby authorized to be charged to Deposit Account No. 50-2036.

In view of the foregoing, reconsideration and allowance of the application are believed in order, and such action is earnestly solicited.

Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned attorney at (202) 861-1714.

Respectfully submitted,

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